

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

NEW EVIDENCE

Authorization:

BoD Resolution 2009/09/24

Date:

October 27, 2009

APPLICATION 2: CLAIMS

1. *When does WCB review previous decisions?*

WCB may review a previous decision at the request of an interested party or on its own initiative.

Although WCB does not automatically review all claims to confirm previous decisions, there are a number of WCB processes that require administrative review of a claim. Some examples are when new information is received, when there is an appeal, when a file is transferred to a new Case Manager, annual reviews of some supplements, etc.

2. *When will WCB change a previous decision?*

WCB will change a previous decision if it is apparent that:

- a) the original decision is not consistent with legislation, approved policy, or the facts of the case, or
- b) new evidence changes the balance of probabilities.

There are a number of adjudicative matters which require WCB to make discretionary decisions. The individual circumstances of each case must be taken into consideration, and there may be several possible courses of action.

Except in the circumstances noted in the next paragraph, the previous decision will not be changed if reasoned judgment was used and the adjudicative decision:

- a) is consistent with the available evidence and a reasonable interpretation of legislation and policy, and
- b) gives the benefit of the doubt to the worker when the balance of probabilities is equal.

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Changing a previous decision (continued)

This does not, however, limit WCB’s authority under s.17(3) of the *WCA* to reconsider any matter previously decided and reverse or amend the decision. After consideration of the merits of the case, a supervisor (at least one authority level above the original decision-maker) or appeal body may substitute its judgment for that of the original decision-maker.

3. *When are changed decisions effective?*

Amended decisions are effective retroactively to the date that the worker or dependant was entitled (benefit increases) or was not entitled (benefit decreases) to the benefits.

4. *How are the revised benefits adjusted?*

If there is a benefit increase, WCB will calculate the increase as of the retroactive effective date, and pay any amount still owing. If there are ongoing benefits affected by the change, future payments will be adjusted accordingly.

When there are retroactive benefit increases, WCB pays the difference between the amount already paid and the adjusted amount. An example of this would be if a worker or dependant’s benefits are adjusted because it is found benefits were paid under an incorrect section of the *WCA*. WCB will pay retroactive benefits equal to the difference between the benefits the worker or dependant received under the incorrect section and the amount that should have been paid under the correct section of the *WCA*.

When there is a retroactive benefit reduction, WCB adjusts future payments accordingly and calculates an overpayment for excess payments made on or after the retroactive effective date. WCB may cancel the overpayment or require repayment (see Policy 05-01, *Compensation Overpayments*).

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5. *Will costs be removed from the employer's account when there is a benefit reduction?*

Costs may be removed from the employer's account for retroactive benefit reductions (overpayments), regardless of whether WCB recovers the overpayment.

When WCB cancels an overpayment, the employer is still eligible for cost relief, provided the employer did not contribute to the overturned decision by providing incorrect information or by failing to provide requested information.

For information about overpayments, see Policy 05-01, *Compensation Overpayments*.

6. *When is this policy application effective?*

This policy application (Application 2 – Claims) is effective June 1, 2010, and applies to all decisions and administrative reviews on or after that date, except when noted otherwise in a specific policy section(s).

[Document History](#)

Previous versions

- [Policy 0108 Part II - August 2015](#)
- [Policy 0108 Part II - June 2010](#)
- [Policy 0108 Part II - January 2004](#)
- [Policy 0108 Part II \(1st Issue\) - October 2002](#)